

§ 1477.21 Adjustments to crop production.

Notwithstanding any other provisions of this part, the following provisions are applicable to producers of 1990 through 1994 crops of: wheat, corn, barley, oats, grain sorghum, upland cotton, rice, soybeans, sunflowers, peanuts, sugar beets, tobacco, and ELS cotton, whose production has been affected by low quality due to an eligible disaster.

(a) Adjustments will be made to the actual production of wheat, corn, barley, oats, grain sorghum, upland cotton, rice, soybeans, sunflowers, peanuts, sugar beets, tobacco, and ELS cotton, if the quality of such production has been affected by eligible disaster. CCC shall adjust the actual production of the crop by factors as determined by CCC to reflect the loss in value in such crop.

(b) A request for assistance under this section must be submitted to CCC at the FSA office in the county where the farm is administratively located by March 31, 1995, for 1994 crops.

(c) A request for assistance under this section must be submitted to CCC at the county office in the county where the farm is administratively located by March 4, 1994, for 1993 crops.

(d) A request for assistance under this section must be submitted to CCC at the county office in the county where the farm is administratively located by September 17, 1993, for 1990, 1991, and 1992 crops. Producers who have:

(1) Previously filed an application for disaster benefits for a farm for any crop for either 1990 only, 1991 only, or 1992 only may file a new application for all eligible crops for one of the crop years not previously chosen or file a new application to include quality adjustments for all eligible crops for a year previously approved for production losses.

(2) Previously filed an application for a farm for any crop for any two years may file new applications to include quality adjustments for all eligible crops previously approved for production losses and for other crops now eligible in such years. Producers cannot apply for quality adjustments for a different year for any crop on the farm.

(3) Not previously filed an application for a farm for any year may file new applications for 2 years to include quality adjustments for all eligibility crops.

(4) Received benefits in one year shall not refund those benefits for that year to allow the farm to become eligible for a different year.

(e) Any producer entitled to any 1990, 1991, or 1992 quality adjustment payment may assign any such payments in accordance with part 1404 of this chapter if the assignment is executed after December 12, 1991.

(f) No payments to producers may be greater than 50.04 percent of the producer's eligible claim for crop losses in 1990, 1991, or 1992.

[58 FR 51760, Oct. 5, 1993, as amended at 60 FR 52613, Oct. 10, 1995]

§ 1477.22 1993, 1994, and 1995 crop losses due to Hurricanes Andrew and Iniki and Typhoon Omar.

Notwithstanding any other provision of this part, the following provisions apply to producers of 1993, 1994, and 1995 crops whose production was affected by Hurricanes Andrew and Iniki and Typhoon Omar.

(a) Crop losses shall be determined as follows:

(1) For nursery and aquaculture crops except papaya, CCC shall:

(i) Determine one loss for 1993 through 1995 by reducing from the inventory on hand at the time of the disaster, the inventory remaining immediately after the disaster occurred; and

(ii) Calculate payments using a rate based on the value of the product at the time of the loss.

(iii) The calculated payment shall be prorated to each year 1993 through 1995, for limiting payments according to section 1477.10, based on the percent of production that would have been sold in each of the years.

(2) For tree crops, CCC shall determine the loss for each year 1993 through 1995 based on expected production and the recovery period as determined by CCC.

(3) For papaya, CCC shall determine the loss for each year 1993 through 1995 based on expected production and the recovery period as determined by CCC.